

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CYBERFONE SYSTEMS, LLC,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION, ET  
AL.,

Defendants.

Civil Action No. 1:11-cv-834-SLR

**DEMAND FOR JURY TRIAL**

**PLAINTIFF CYBERFONE SYSTEMS, LLC'S INITIAL DISCLOSURES**

In accordance with Federal Rule of Civil Procedure 26, Plaintiff CyberFone Systems, LLC ("CyberFone") provides the following Initial Disclosures.

This disclosure is based on the information available to CyberFone as of the date of this disclosure, and CyberFone reserves the right to amend this disclosure to the full extent consistent with the Court's Rules and Orders.

**I. Persons Likely to Have Discoverable Information (FRCP 26(a)(1)(A)(i)).**

In accordance with Fed. R. Civ. P. 26(a)(1)(A)(i), CyberFone identifies the following individuals. CyberFone expressly reserves the right to identify or call additional or different individuals as witnesses if, during the course of discovery and investigation relating to this case, CyberFone learns that such additional or different individuals have relevant knowledge.

<b>Name and Contact Information (if known)</b>	<b>Summary of Information</b>
Rocco L. Martino c/o Russ, August & Kabat 12424 Wilshire Blvd., 12th Floor Los Angeles, CA 90025 Tel: (310) 826-7474	Named inventor of the '382, '676 and '103 patents. With respect to the '382, '676 and '103 patents, knowledge regarding conception, reduction to practice, design, and development of the inventions of the patents; and prosecution of the patents.

Michael Dunnam Cira Centre, 12th Floor 2929 Arch Street Philadelphia, PA 19104 (215) 568-3100	Patent prosecutor of the '676, '103 and '382 patents. Knowledge regarding the prosecution of the '676, '103 and '382 patents.
Doug Croxall c/o Russ, August & Kabat 12424 Wilshire Blvd., 12th Floor Los Angeles, CA 90025 Tel: (310) 826-7474	Knowledge regarding CyberFone's acquisition of the '382, '676, and '103 patents.
Current and Former Employees of Defendants	Knowledge regarding Plaintiff's claims and Defendants' affirmative defenses and counterclaims, including: (1) conception, design, development and testing of the Accused Instrumentalities; and (2) financial data including revenue, profits and costs for the Accused Instrumentalities.

Additionally, CyberFone incorporates by reference all individuals identified during discovery in this matter, including Defendants' Initial Disclosures, responses to interrogatories posed by the parties, and documents produced by the parties and third parties.

## **II. Documents (Fed. R. Civ. Proc. 26(a)(1)(A)(ii)).**

The following are categories of documents and things that CyberFone has in its possession, custody or control that it may use to support its claims and defenses, unless such use would be solely for impeachment:

1. The patent-in-suit, related U.S. and foreign applications and patents, and file histories of the same.
2. Documents and things relating to the conception, diligence, and reduction to practice of the asserted inventions.
3. Documents relating to the ownership of the rights, title, and interest in the patent-in-suit.
4. Documents and things relating to the uses, functions, and operation of the accused products.
5. Documents and things relating to the design and development of the accused products.

6. Documents and things relating to the sales and marketing of the accused products.

**III. Computation of Damages (Fed. R. Civ. Proc. 26(a)(1)(A)(iii)).**

CyberFone seeks monetary damages according to a reasonable royalty rate, together with interest and costs. CyberFone also seeks its reasonable attorney fees under 35 U.S.C. § 285. CyberFone will provide a computation of damages after discovery has been received from Defendants.

**IV. Insurance Agreements (Fed. R. Civ. Proc. 26(a)(1)(A)(iv)).**

CyberFone is unaware of any insurance agreements under which any insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: March 15, 2012

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

I, John C. Andrade, hereby certify that on March 15, 2012, Plaintiff CyberFone Systems LLC's Initial Disclosures was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on March 15, 2012, the attached document was electronically mailed to the following:

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